

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 18-24227-CIV-ALTONAGA/Goodman**

**JASON MILLER,**

Plaintiff,

v.

**GIZMODO MEDIA GROUP, LLC, et al.,**

Defendants.

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**ORDER**

**THIS CAUSE** came before the Court on Defendant, William Menaker’s Motion to Dismiss [ECF No. 30], and Defendants, Gizmodo Media Group, LLC and Katherine Krueger’s Motion to Dismiss [ECF No. 31], both filed December 6, 2018. Mr. Menaker seeks to dismiss Plaintiff, Jason Miller’s First Amended Complaint [ECF No. 5]. Mr. Menaker filed the Motion to Dismiss on his own behalf — Defendants, Gizmodo Media Group, LLC and Katherine M. Krueger did not join the Motion. (*See* Mr. Menaker’s Mot. 20). Instead, Gizmodo Media Group and Ms. Krueger seek to dismiss Plaintiff’s Amended Complaint through a separate Motion.


In filing the separate Motions to Dismiss, Defendants run afoul of the October 24, 2018 Order [ECF No. 12]. In that Order, the Court expressly required “all Defendants [to] submit a *single combined response or separate answers* within the time allowed for the last served Defendant to respond.” (*Id.* (alteration and emphasis added)). Defendants’ Motions are evidently neither a “single combined response” nor “separate answers.” (*Id.*; *see also Doe v. Vill. Resorts, Ltd.*, No. 10-CV-80777, 2011 WL 13227870, at \*1 (S.D. Fla. May 24, 2011) (noting the court is “well within its rights to deny” defendant’s motion to dismiss because the

motion was “improper and violate[d] the [c]ourt’s [previous] order . . . .” (alterations added; citations omitted)).

Accordingly, it is

**ORDERED AND ADJUDGED** that the Defendants’ Motions [ECF Nos. 30, 31] are **DENIED without prejudice**. Defendants must comply with the Court’s October 24, 2018 Order [ECF No. 12] by **December 21, 2018** — the time allowed for the last served Defendant to respond.

**DONE AND ORDERED** in Miami, Florida, this 6th day of December, 2018.

  
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**CECILIA M. ALTONAGA**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record